

CECC-ZA

MEMORANDUM FOR All Major Subordinate Command, District Command, Field Operating Activity, and Laboratory Counsels

SUBJECT: Interim Policy Statement on Reporting Certain Attorney Management Information Within the Corps' Legal Services System

1. PURPOSE: The purpose of this policy is to provide interim guidance for Major Subordinate Command, District Command, Field Operating Activity, and Laboratory Counsels on attorney management within the Corps of Engineers legal services system including Office of Counsel and Real Estate attorneys.
2. POLICY: As Chief Counsel, I am ultimately responsible for the management of the Corps legal services system, including the career development of all of its attorneys. Accordingly, I need to be timely informed of certain actions involving Corps attorneys that may affect such management, even though the substance of these actions may not require any official participation on my part. My intent is to obtain sufficient information for purposes of making necessary management decisions. To achieve this policy for receiving attorney management information, I am implementing specific reporting requirements.
3. BASIS OF POLICY: At this time, USACE Supplement 1 to AR 690-300, 302, dated 13 July 1984 concerning the employment of attorneys is limited in scope and does not require timely reporting of sufficient information to me for managing the Corps legal services system. Too often I find that I am not informed of conflicts involving our attorneys until a proposed adverse action is presented to me in accordance with Supplement 1 or until official action on my part is required as part of a grievance, EEO complaint or other third party proceeding. Although the next revision of Supplement 1 will cover this situation, I find that I cannot wait until it is completed to require this information for attorney management purposes. Therefore, this interim policy is necessary.
4. ACTIONS COVERED: This policy covers certain actions taken by supervisory attorneys to include ratings of less than fully successful, and disciplinary actions not covered by Supplement 1. Additionally, other actions initiated by or against attorneys are included such as grievances, EEO complaints, MSPB appeals, Office of Special Counsel complaints, classification appeals, and civil suits.

5. REPORTING REQUIREMENTS: The covered actions must be reported when the action is formally initiated. Subsequently, significant developments will be reported including settlements, appeals, decisions, or other dispositions. The initial report will provide a clear and concise statement of the nature of the action, the allegations, the relief requested and the parties involved. Subsequent reports will include information pertaining to settlement agreements, reports of investigation, and decisions.

6. PROCEDURE: All reports prepared pursuant to this policy letter will be submitted directly to the Chief Counsel, CECC-ZA and marked "Personnel Matter - To Be Opened By Addressee Only" on the outside of the envelope. A copy of the report prepared by a District Command Counsel will be furnished to the Major Subordinate Command Counsel marked in a similar manner.

7. EFFECTIVE DATE: This policy letter is effective upon issuance and will remain in effect until superseded in writing, either by subsequent letter or by incorporation into a regulatory supplement. This policy applies to actions pending or initiated on or after 1 July 1990. Also, it applies to written settlement agreements with terms or provisions remaining in effect.

Lester Edelman  
Chief Counsel